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In re Application of
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Application No. 10/671,507
Filed: September 29, 2003
Attorney Docket No. 4653-0105P

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OFFICE OF PETITIONS

Decision on Petition

This is a decision on the petition filed February 2, 2005, requesting application's drawings be replaced by copies of drawings filed in application no. 10/671,563.

The petition is **granted**.

Facts:

The instant application and application no. 10/671,563 were both filed on September 29, 2003. Both of the applications listed above have the same inventor.

For unknown reasons, the drawings intended for application no. 10/671,563 were placed in the file for application no. 10/671,507. The drawings intended for application no. 10/671,507 were placed in the file for application no. 10/671,563.

On November 2, 2004, a non-final Office action was mailed for the instant application. The Office action indicated the 3 drawing sheets did not correspond with the remaining parts of the application. As a result, petitioner discovered the drawings for the two applications had been switched.

The instant petition was filed on February 2, 2005.

A final Office action was mailed on May 6, 2005. A copy of a reply to the final Office action cannot be located in the file. **Therefore, the application is abandoned.** Petitioner may wish to file a petition to revive under 37 CFR 1.137(b).

Analysis:

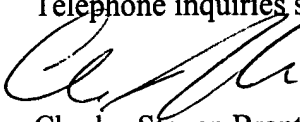
Petitioner requests the drawings for the instant application be replaced by a copy of the drawings filed in application no. 10/671,563. Petitioner also requests the application retain a filing date of September 29, 2003.

Since the drawings intended for the instant application were in fact present in the PTO on September 29, 2005, the copy of the drawings from application no. 10/671,563 filed February 2, 2005, will be accepted and the application will retain a filing date of September 29, 2003.

The 3 sheets of drawings filed in the instant application on September 29, 2003, will remain in the file but will not be entered. The instant application will be reprocessed using the copy of Figures 1-7 filed on February 2, 2005.

The Office of Initial Patent Examination will be informed of the instant decision and will reprocess the application with a filing date of September 29, 2003, using the 3 sheets of drawings filed on February 2, 2005.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Petitions Attorney
Office of Petitions